

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 5-11 are presently active in this case. The present Amendment cancels Claims 1-4 and adds Claims 5-11.

The outstanding Office Action rejected Claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by Tuttle (U.S. Patent No. 2,372,917). Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tuttle in view of RU 2,118,217.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claims 1-4 are canceled and replaced with new Claims 5-11 that comply better with U.S. claim drafting practice. New Claims 5-11 find non-limiting support in the disclosure as originally filed, for example from page 5, line 1 to page 6, line 18 with corresponding Figs. 1-3. Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>1</sup> In view of the new claims, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejections of Claims 1-4 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), and in light of the present Amendment, Applicant respectfully requests reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 5, relates to a device for corrugating a sheet of material including a first flexible chamber made

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<sup>1</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

of flexible gas-proof material and configured so as to receive the sheet of material. The device further includes *a first die system inside the first flexible chamber*. The first die system is formed of first dies pivotably joined to each other. The device include *a second die system outside the first flexible chamber* and formed of second dies pivotably joined to each other and further *joined to a first plurality of the first dies and to the first flexible chamber at common pivot locations*. Applicant's Fig. 3 shows an example of two such common pivot locations. The claimed decide further includes a vacuum system connected to draw a vacuum in the first flexible chamber.

Turning now to the applied prior art, the Tuttle patent discloses an apparatus for producing corrugated tubing that includes a tube blank 1 placed with two halves of a split die 2. The bolts 3 are pushed through close-fitting holes to dowel the two halves of the die in relative position, and the nuts 4 are screwed down to clamp the two halves of the die together. However, the Tuttle patent fails to teach the claimed device. In particular, the Tuttle patent fails to disclose the claimed first flexible chamber, the *first die system inside the first flexible chamber*, and *a second die system outside the first flexible chamber*, as required by Claim 5. The Tuttle patent also fails to teach the claimed second dies pivotably joined to each other and further *joined to a first plurality first dies and to the flexible chamber at common pivot locations*.

Therefore, the Tuttle patent fails to disclose every feature recited in Applicant's claims, so that Claims 5-11 are not anticipated by the prior art. Accordingly, Applicant respectfully traverses, and submits that the present Amendment overcomes, the 35 U.S.C. § 102 rejection based on the Tuttle patent.

Further, there is no apparent reason to modify the Tuttle corrugated tubing apparatus so as to arrive at Applicant's claimed device. It is not clear how such modification could be achieved without a substantial reconstruction or redesign of the Tuttle corrugated tubing

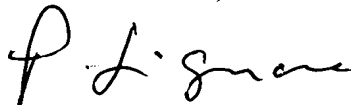
apparatus.<sup>2</sup> The secondary reference, RU 2,118,217, was applied merely for its teaching of a bag and does not provide any reason to modify the Tuttle corrugated tubing apparatus so as to arrive of the apparatus of Claim 5. Thus, Applicant respectfully submits that it would not have been obvious to modify the Tuttle corrugated tubing apparatus in order to arrive at the claimed device.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 5-11 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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<sup>2</sup> See In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (reversing an obviousness rejection where the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.")